

Search, Screening and Confiscation Policy

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1. Scope and Purpose

Wiltshire College and University Centre (WCUC) has a responsibility towards its employees, students and visitors to ensure it provides a safe environment within which they do not feel threatened. The purpose of this policy is to ensure those staff, students and visitors are aware of the powers WCUC has with regards to screening, searching and confiscating items of danger, offence or prohibition, and the procedures that need to be followed.

This policy further aims to ensure everyone that everyone who works and learns at WCUC achieve their full potential safely and to support members of staff in how to deal with incidents involving prohibited items in an appropriate manner.

All students, irrespective of method of application or enrolment, or their type of study (inclusive of those on Further or Higher Education, School Links, Full or Part Time, Apprenticeships) or any other WCUC related programme are bound by this policy both on campus and on WCUC approved placement or activity. Application of this policy extends to student behaviours on Campus and external settings including trips, WCUC transport, work placements and social media. It applies to students on campus and outside of college grounds within the students normal WCUC hours and to guest of students whilst on WCUC grounds.

2. Policy Overview

WCUC has a zero-tolerance approach to weapons, drugs, alcohol and other prohibited items. WCUC will further strengthen this stance by ensuring there is a clear understanding relating to the unacceptability of threatened or actual use of such items.

Article 8 of the European Convention on Human Rights states that students have a right to respect for their private life. In line with this, students have the right to expect a reasonable level of personal privacy. The powers to search in the Education Act 1996 are compatible with Article 8, and WCUC shall have such systems in place that ensure no difficulty in demonstrating that it has acted in accordance with Article 8 so long as it is justified and proportionate.

In the unlikely event a student is screened or searched, or a student's bag, locker, room or other repository for possessions being searched, WCUC will take all reasonable steps to ensure the usual high standards of safeguarding are maintained. At all times the balance will be maintained between common-sense actions, taken rightly in respect of assessed risk, and the desirability to follow step-by-step written procedures which, it is acknowledged, cannot always anticipate every eventuality.

3. Process and Procedures

Screening:

Under the violent crime reduction act 2007 FE Colleges have the power to carry out consensual and non-consensual searches of students within agreed procedures. These powers mean that Principals of FE Colleges can designate staff to screen students for weapons or substances or other items, where there are reasonable grounds for suspecting possession.

The emphasis at all times will be the de-escalation of stress and aggression in the relevant incident and also not to jeopardise the welfare and wellbeing of either staff, students or visitors.

The search process will be used as a last resort.

Students, parents and careers, and visitors will be reminded that it is a criminal offence to have a knife or offensive weapon in college or on the College premises, and the penalties for doing so will

be severe. The Police will be called and given the details of any incident

A member of WCUC Senior Leadership Team (SLT) can require students to undergo screening via a walk through or handheld metal detector (arch or wand), even if they do not suspect them of having a weapon and without the consent of the student. WCUC may also use drug dogs to screen students for illegal substances, this can also be carried out within the classroom environment.

Any member of staff authorised by SLT can screen students. If a student refuses to be screened, WCUC will refuse permission for the student to be on campus, and the matter will be dealt with in line with the Positive Behaviour Policy.

Health and Safety Legislation requires a college to be managed in a way which does not expose students or staff to risks to health and/or safety and this would include making reasonable rules as a condition of admittance.

WCUC may conduct screening on each campus as an activity of randomised sampling.

Searching:

The member of staff must decide in each case what constitutes reasonable grounds for suspicion to carry out a search. For example, this may be hearing other students talking about the item or noticing a student behaving in a way that causes them to be suspicious.

Where staff suspect a student is carrying a prohibited item, they can seek to allay their concerns by first questioning the student. It is advisable to first contact their line manager, campus Safeguarding Team and/or Security staff prior to questioning.

If questioning a student confirms the suspicion that a prohibited item is being carried the student will be asked to surrender it. Staff should remind the student of the key points of the College policy and the rules, and the law.

If the above has been tried and it is still felt that the student is carrying a prohibited item, the staff may ask the student to consent to a search. In a with consent search, the statutory constraints on a without consent search do not apply, but the College will follow them. Authorisation must be sought from SLT prior to undertaking a search unless it is deemed that there is an immediate risk to students or staff. (in which case call 999). The Police should always be called when it is felt that the situation is unsafe and where there is suspicion that a student might be in possession of a firearm or bladed weapon.

A student's possessions including lockers can be searched 'without consent' as long as two members of staff are present. The student should also be present wherever possible.

The search process will only be carried out where there are witness statements (verbal or written) indicating a student may be in possession of a weapon or prohibited item.

During the search one member of staff will talk the student through the stages of the search and all searches will be documented on the Record of Search form (See Annex A). As a matter of routine Security should always be notified prior to a search taking place.

A student does not have the right to be accompanied by another student. However, a student with learning difficulties or where gender or cultural issues are concerned may be accompanied by a suitable member of staff.

In all cases consideration should be given to contacting parents or carers (of under 18s) immediately after a search has taken place. However, if it is suspected that such a call may be detrimental, the Designated Safeguarding Lead (DSL), Senior Safeguarding Lead (SSL) or Campus Safeguarding Lead (CSL) should be consulted.

In the event of a search the reasons for such will be explained, co-operation sought, and the following applies:

- The law states the member of staff conducting the search must be of the same sex as the student being searched. There must be another member of staff present as a witness to the search.
- There is limited exception to this rule. This is that a member of staff can search a student of the opposite sex and/or without a witness present **only**:
 - If the member of staff carrying out the search reasonably believes there is a risk that serious harm will be caused to a person if the search is not carried out as a matter of urgency; **and**
 - In the time available, it is not reasonably practicable for the search to be carried out by a member of staff who is the same sex as the student or it is not reasonably practicable for the search to be carried out in the presence of another staff member.
- When a member of staff conducts a search without a witness, they should immediately report this to another member of staff, and ensure a record of the search is kept.

4. Search Locations

Searches can only be carried out on WCUC premises or, if elsewhere, where the member of staff has lawful control or charge of the student, for example on an authorised trip or in training settings.

Searches on WCUC property should take place out of view of anyone other than those that need to be present with appropriate sensitivity to vulnerable, cultural or religious issues.

If a member of staff suspects a student has a prohibited item in his/her possession, they should contact a member of CMG/SLT immediately.

5. Prohibited Items

Searching staff have a statutory power to search students or their possessions, with and without consent, where they have reasonable grounds to suspect that the student may have a prohibited item. Such items are:

- Bladed articles or firearms
- Alcohol*
- Illegal drugs
- Stolen items
- Fireworks*
- Pornographic images*
- Acid/Corrosive material
- Nitrous gas
- Any article that a member of staff reasonably suspects has been, or is likely to be, used to commit or cause an offence or personal injury to, or damage to the property of, any person (including the student)

NB: A without consent search cannot be conducted on a student who is 18 years of age or older for any of the items marked above with an *. In the case of a student to whom this applies, they should be asked to agree to a consensual search, and a failure to agree will result in disciplinary action being taken and the student removed from campus.

A refusal to be searched could be viewed as gross misconduct and may lead to disciplinary action, which may result in exclusion.

WCUC will not usually carry out a non-consensual search, however retains the right to do this.

6. Legitimate Use of Tools and Knives

Given the wide nature of WCUC activities, students may own and use tools and equipment that could be used as an offensive weapon. Examples of such are chefs knives, scalpels and craft knives used in Art, hand tools used in Engineering or Motor Vehicles and chisels within Woodwork. WCUC acknowledges its responsibility to ensure those items which belong to the college or which it stores for students are kept secure and that the correct procedures are in place for issue and collection. When using such equipment, students are informed of the safe use of these under staff supervision.

Students have a responsibility to fully comply with procedures and instructions issued by staff. These include following all safety procedures, using tools and equipment appropriately at all times and not removing them from their designated areas.

7. Consensual Searching

Section 89 of the Education and Inspections Act 2006 gives guidance on the WCUC common law powers to search. Under common law powers, WCUC is able to search lockers and storage facilities for any item if the student agrees. The extent of the search with consent includes clothes, possessions and lockers only.

Only staff with appropriate permissions are able to search a student for prohibited items; However, consideration should be given to the article being searched for. If staff have concerns regarding their safety, or the safety of members of staff or students, then security should be called to assist with the search, and where deemed necessary and appropriate the police may also be called to support.

The powers of search allow the authorised staff to search regardless of whether the student is found after the search to have that item. This includes circumstances where it is suspected that a student may have items such as illegal drugs or stolen property which are later found to not be illegal or stolen.

CCTV footage may be used in order to make a decision on whether to conduct a search for an item, in line with appropriate WCUC procedures for such.

Outer clothing is deemed to be clothing not worn next to the skin or immediately over a garment that is being worn as underwear but does include hats, shoes, boots, gloves and scarves

8. Procedure for Handling of Confiscated Items

WCUC general power to discipline, a set out in section 91 of the Education and Inspections Act 2006, enables a member of staff to confiscate, retain or dispose of a students property as a disciplinary penalty, where reasonable to do so.

A person carrying out a consensual search under legislation may seize any of the following found in the course of the search:

- Anything which that person has reasonable grounds for suspecting is a prohibited item
- Any other thing which that person has reasonable grounds for suspecting is evidence in relation to the offence

In regard to specific prohibited items, the following actions will be applied:

- Alcohol may be retained and disposed of, together with its container
- Illegal drugs or suspected illegal drugs or substances must be delivered to the police as soon as it is reasonably practicable (goods can be stored securely until police collect)
- Stolen property must be delivered to police as soon as is reasonably practicable, but may be returned to its owner (or if returning it to its owner is not practicable), retained or disposed of if the searcher thinks there is just cause to do so
- Offensive weapons must be delivered to police as soon as is reasonably practicable
- If a member of staff finds a pornographic image, they may dispose of this image unless its possession constitutes a specified offence (ie it is extreme or child pornography) in which case it must be delivered to the police as soon as is reasonably practicable
- If prohibited items are to be retained or are awaiting collection by police, SLT may temporarily store such items in a secure area intended for such purposes.

In the majority of cases there will be no immediacy to act on a find, and any item seized during a search must be referred to SLT and/or the DSL who will advise on or arrange disposal. It is important to take possession of potentially harmful items so they cannot be used by the student.

In extreme circumstances the student may react aggressively. At this point the search must be stopped and the student immediately suspended in line with college process pending investigation. If reasonable to do so, the police should be contacted if it is felt there is a likelihood that a weapon or sizable quantity of drugs is present on the student. If this is not possible to achieve, security staff should escort the student off site.

Students with learning difficulties may not have the capacity to consent. Wherever possible staff should strive to calm the situation and consult with the students tutor or appropriate support worker. The tutor or appropriate support worker should be present with the student to act as an advocate.

Students wearing religious dress, where English is not the first language or where students are genuinely agitated by the process, may wish to be accompanied by their suitable member of staff.

Staff have a defence to any complaint or other action brought against them. The law protects members of staff from liability in any proceedings brought against them for any loss of, or any damage to, any item they have confiscated, provided they acted lawfully and in line with this policy.

9. Confidentiality, Recording Keeping and Monitoring

All personal and sensitive information will be managed in accordance with the Data Protection Act 1998 and the Common Law Duty of Confidentiality.

There may be occasions where WCUC is obliged to disclose information, notwithstanding that the student has refused consent (where the behaviour threatens safety or safeguarding or that of others, or where WCUC would be liable to civil or criminal liability for failure to disclose).

All searches that take place on WCUC campus will be recorded on the WCUC Record of Search Form for safeguarding purposes.

Such reports will be monitored recorded and actioned via SLT

10. Informing Parents/Guardians/Police and Dealing With Complaints

WCUC are not required to inform parents before a search takes place or to seek their consent to search their child.

Where necessary, Heads of Faculty or Deputies will be responsible for informing the individual students parents/guardians where prohibited items including alcohol, drugs or potentially harmful substances are found. Where appropriate a report may be made to the Police.

Complaints about screening, searching or confiscation should be dealt with through the normal college complaints procedure.

11. Awareness and Training

Staff should be aware that the possession of prohibited items by learners may come to light through various means and should know the processes for a search to be conducted.

Staff carrying out a search will be made aware of this policy and be expected to have read it, and in doing so, agree to abide by it.

12. Equality Impact Assessment

Wiltshire College and University Centre strives to ensure equality of opportunity for all students, local people and the workforce. As an employer and a provider of education, the College aims to ensure that none are placed at a disadvantage as a result of its policies and procedures. It is intended that this policy and procedure is fair to all. Where any part could potentially lead to unequal outcomes, the policy then justifies why this is a proportionate means of achieving a legitimate aim.

13. Data Retention Statement

Wiltshire College and University Centre is committed to ensure the data it collects, and holds is in line with the ICO's guidance and meets data protection law. Where appropriate a Data Protection Impact Assessment will be undertaken as and when policies are updated to ensure risks to the individual and college are considered and managed.

For further information please refer to Wiltshire College and University Centre's Data Protection Policy.

14. Policy Review and Ownership

This policy and procedure is owned by the Director of Safeguarding and Student Services. It will be reviewed periodically in light of developments in employment legislation, good employment practice or audit; and to ensure it continues to be relevant and supports operational effectiveness.

15. Amendments Log

Version	Date of Issue	Amendment summary	Author(s)
V1.0	09/05/2022	Approved by SLT	Jo Kelly
V1.1	23/05/2023	Reviewed – minor changes to job titles and roles	Jo Kelly
V1.2	5/9/24	Reviewed – minor changes in line with legislation	Jo Kelly

Appendix A – Record of Search Form

Record of Search Form

Student Name		Date of Birth:	
Address		Student Number:	
		Curriculum/Course:	
		Campus:	
If Under 18, Parent/Guardian name		Permission for search granted by & Role in Organisation:	
Contacted Y/N		Date of search:	

Location/Time of Search (campus & room number)	
Conducted By (2 x authorised staff)	

Reason/Grounds for the Search	
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Police Involvement Y/N		Outcome at time of search (NFA, Arrest etc)	
Did it involve violence?	Who was involved?	Explain the circumstances	

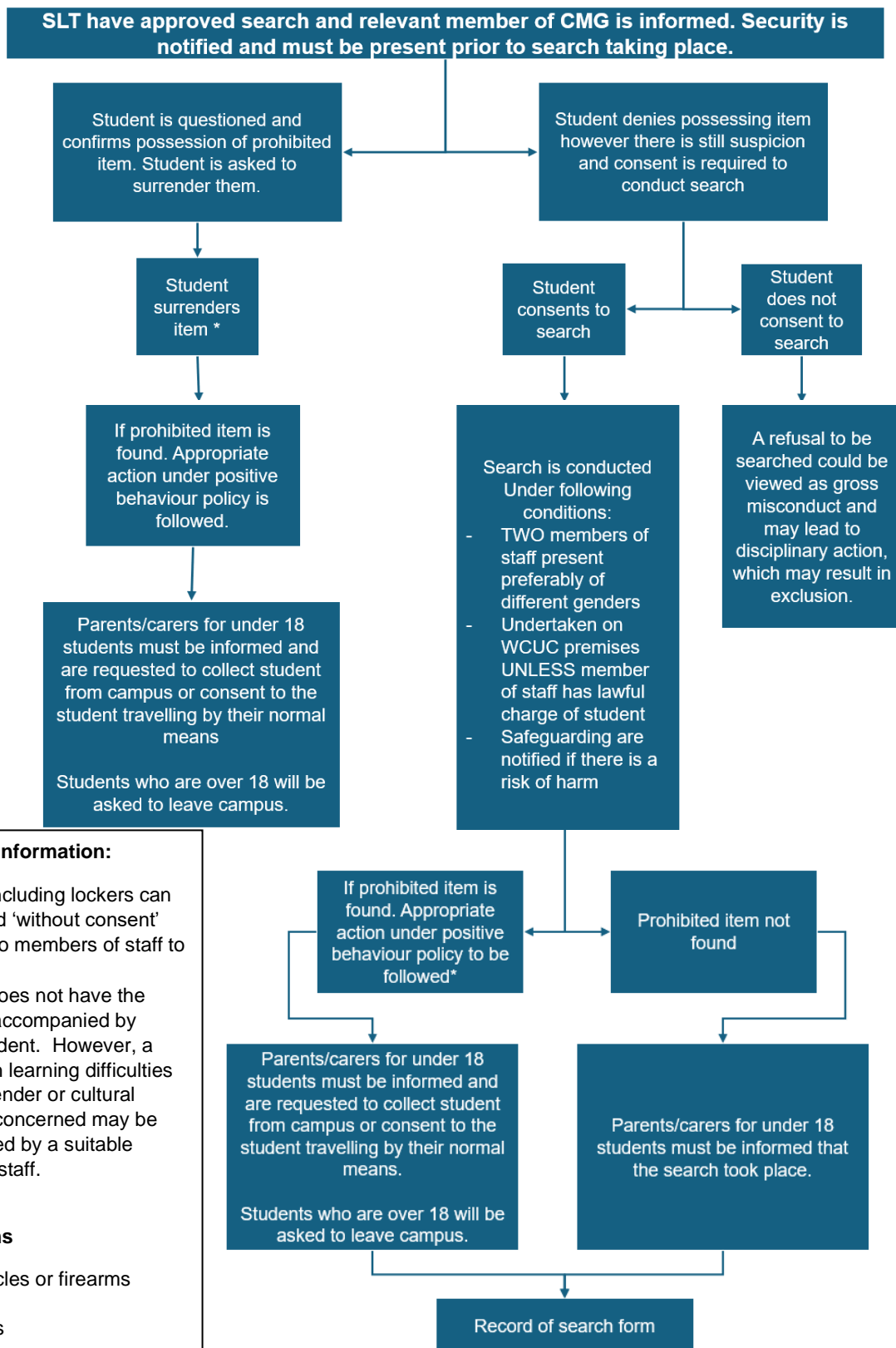
What was found in the search?			
How have you recorded this?	Have you taken photos? Created a written inventory?		
If Yes:	Please record below details of how you have recorded the finds, what has happened to the finds (destroyed, stored for police collection, taken to police in person etc & any other actions/outcomes arising		

Summary of actions taken as a result of the search	
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We confirm the above to be a true & accurate account of the search	
(Both searching staff to sign)	

Please complete all sections of this form & return to the authorising member of staff as soon as possible but in all events within 48 hours.

Appendix B – Flowchart



Good to know information:

- Searches including lockers can be searched 'without consent' however two members of staff to be present
- A student does not have the right to be accompanied by another student. However, a student with learning difficulties or where gender or cultural issues are concerned may be accompanied by a suitable member of staff.

Prohibited items

- Bladed Articles or firearms
- Alcohol
- Illegal drugs
- Stolen items
- Fireworks*
- Pornographic images
- Acid/Corrosive material
- Nitrous gas
- Any item that could cause harm to student(s)